

IN THE IOWA DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT

FILED

2010 FEB -3 AM 9:22

IN THE MATTER OF
PRIORITIZATION OF
CASE AND DUTIES
AND COURT CLOSURE DAYS
AND PUBLIC HOURS OF
CLERK OF COURT OFFICES

CLERK OF DISTRICT COURT
SCOTT COUNTY, IOWA

ADMINISTRATIVE ORDER

On the 1st day of December, 2009, the Honorable Chief Justice Marsha Ternus entered a Supervisory Order addressing the matter of prioritization of certain cases and duties as required by substantial reductions of the Judicial Branch workforce. On the 2nd day of December, 2009, the Chief Justice issued a Supervisory Order addressing implementation of the Court's orders entered on November 10, 2009, designating ten furlough days for all employees of the Judicial Branch and on November 17, 2009, establishing the public hours of the clerk of court offices. Subsequently other orders have been filed concerning the hours for clerk of court offices across the state and on January 6, 2010 an order was filed relating to situations where a court reporter is not available for a scheduled civil case. Copies of the Court's Supervisory Orders are available on the Judicial Branch website and are incorporated by this reference.

In order to implement the matters as set forth in the referenced Supreme Court Supervisory Orders throughout the counties of the Seventh Judicial District, the Court now sets forth the following rules, all of which are effective as of the date of filing:

1. With regard to the designated furlough days of unpaid leave occurring between December 4, 2009 and June 18, 2010, the County magistrates, District Associate Court judges, and any other judges regularly covering weekend/holiday court, shall be on call and available as previously scheduled for those dates, and they shall cover emergency matters given the highest priority as identified in a Supervisory Order: Iowa Code Chapter 229 mental health; Chapter 125 substance abuse; Chapter 236 relief from domestic abuse; Chapter 135L waiver of parental notification of abortion; injunctive relief involving an imminent threat of serious harm to health or safety; Chapter 232 emergency removal orders of juveniles; and criminal warrants.
2. As ordered by the Supervisory Orders all Clerk of Court offices in the Seventh District will be closed to the public on Tuesday and Thursday afternoons from 2:30 until 4:30 every week beginning on December 15, 2009. This reduction of public hours in the offices of the clerk is intended to provide clerk's office personnel the uninterrupted opportunity required to address the ongoing work which has accumulated due to reductions in staff, court closure and furlough days, and the general volume of daily work for each of these offices. To advance this goal of uninterrupted work time, all judicial officers and officers of the Court shall avoid interruption of the clerks during these designated hours of closure.
3. If a designated furlough day falls on the same day as a county's court service day, the court service day will be held on the day before the furlough day. Therefore, court service days in Cedar and Jackson Counties will be held on

Thursday, January 14, 2010; Thursday, March 11, 2010; Thursday, March 25, 2010; Thursday, April 1, 2010; Thursday, May 27, 2010. The furlough dates of December 4, 2009; December 24, 2009; December 31, 2009; and June 18, 2010 are not included in this order as the December dates have already been addressed by District Court Administration, and the June date may be included as part of educational conference days which would reduce the available judicial officers, and will be addressed by later administrative order if necessary.

4. On all furlough days and on all Tuesday and Thursday afternoons from 2:30 until 4:30 p.m. the public will be denied direct access to the offices of the clerk, thus preventing the initiation of Iowa Code Chapter 229 mental health commitments and Iowa Code Chapter 125 substance abuse commitments. Therefore, the emergency provisions of Iowa Code Chapters 229 and 125 shall be utilized to initiate civil commitment proceedings. The local protocol for these emergency hospitalizations shall be used by the medical facility to contact the magistrate or judge who is on call that day and who shall then respond to this emergency as required by the applicable law.
5. Commitment hearings shall be set for hearing under the provisions of Iowa Code Sections 229.11 and 125.81, noting that commitment hearings "shall be held no more than five days after the date of the order, except that if the fifth day is a Saturday, Sunday or a holiday, the hearing may be held on the next succeeding business day." Time shall be computed pursuant to the provisions of Iowa Code Section 4.1(34) and these provisions shall be used

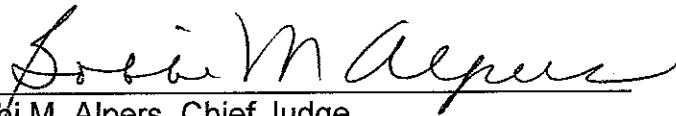
when scheduling the required hearings in Iowa Code Chapter 229 and Chapter 125 commitment proceedings.

6. Iowa Code Chapter 232 juvenile delinquency cases which may require the attention of a Juvenile Court Services officer on a furlough day will not be addressed by a Juvenile Court officer from midnight at the start of the designated furlough date until midnight at the end of that furlough date. Arrangements have been made between the office of Juvenile Court Services and the Scott County Juvenile Detention Facility for intakes into detention to be made during that furlough period, and such arrangements are incorporated by this reference into the provisions of this Administrative Order for the 7th Judicial District.

7. Every day of the year, the courts in the 7th Judicial District of Iowa hold initial appearances for persons detained within the past 24 hours. However, initial appearance hearings are not classified in Supreme Court Supervisory Orders as emergency matters. Therefore, the daily initial appearance of detained persons before the court will NOT be conducted on furlough days and shall instead be conducted on the next calendar day. The on call judges and magistrates throughout the 7th District may make advance arrangements with local correctional officers or officers of the Department of Correctional Services as to a protocol to be followed in the county where that judge or magistrate is assigned on the furlough dates when no initial appearances will be held by a judicial officer. Any such written or verbal protocol or agreement

shall be completely disclosed to the Chief Judge of the 7th District before it is followed.

All of the above is SO ORDERED on this 2nd day of February, 2010, and the District Court Administrator shall electronically transmit or mail copies of this Administrative Order to ✓ Judges of the 7th Judicial District; ✓ Magistrates of the 7th Judicial District; ✓ 7th Judicial District Court Administration Employees; ✓ 7th Judicial District Clerks of Court; ✓ 7th Judicial District Chief Juvenile Court Officer Scott Hobart; ✓ 7th Judicial District Court Reporters; ✓ Amanda Newman, Law Clerk; District 7 County Bar Association Presidents; District 7 County Attorneys; ✓ District 7 County Sheriffs; Hospitals in District 7 counties; ✓ DHS offices in District 7 counties; and ✓ David Boyd, State Court Administrator.

A handwritten signature in cursive script, reading "Bobbi M. Alpers", written in dark ink.

Bobbi M. Alpers, Chief Judge
7th Judicial District of Iowa